

TEXAS GENERAL LAND OFFICE FIELD NOTES

JERRY PATTERSON, COMMISSIONER ♦ AUGUST 2012



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Welcome to the General Land Office



Welcome to the summer 2012 edition of *Field Notes*, a newsletter from the state's oldest and most diverse agency—the Texas General Land Office.

A lot has happened at the Land Office this year—not all of it pleasant. The worst was a body blow to the Texas Open Beaches Act initiated by a California lawyer and completed by the Texas Supreme Court. You can read all the details inside this edition.

One of the good things that have happened this year is a decision not to list the dunes sagebrush lizard as an endangered species, which would have imperiled oil and gas production in West Texas. Find out how the Land Office fought its listing in the article inside.

Another story has details about new, higher loan limits offered by the Veterans Land Board, which I chair. Our Texas veterans can now get low-interest loans of up to \$417,000 for a home, and up to \$100,000 for an acre or more of land. That's a great deal for veterans hoping to build that dream home.

I hope you'll also take time to read articles about two very special Land Office employees: Greg Pollock, who heads up our world-class Oil Spill Prevention and Response Program, and Stephen Oswald, who recently became the first-ever State Director of the Alamo, which is overseen by the Land Office.

Thanks for taking time to learn about the General Land Office and its hard-working people. If you have any questions, please refer to the last page where you'll find contact information for each department at the agency.

Sincerely,


Jerry Patterson
Commissioner

Supreme Court Kills Texas Tradition of Open Beaches on West Galveston

In late March, guaranteed public access to Galveston's West End beaches died when the Supreme Court of Texas reaffirmed its prior ruling in favor of a California divorce attorney who bought rental properties on the beach.

"It seems that the Open Beaches Act—at least for Galveston's West End—is dead, thanks to the Supreme Court," Texas Land Commissioner Jerry Patterson said. "This is truly a sad day."

Justice Dale Wainwright delivered the court's 5-3

opinion. Justices Debra H. Lehrmann, David Medina and Eva Guzman dissented. Justice Wallace Jefferson did not participate.

Patterson said the ruling ends any future possibility of much-needed beach renourishment projects for Galveston Island's rapidly eroding West End. Public money cannot be used to benefit only a private land owner. The Texas General Land Office will not provide grant funds for erosion projects on

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Supreme Court Kills Texas Tradition of Open Beaches

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private property without a rolling easement that grants public access.

The ruling will also make it impossible for the state to step in quickly to clear the beach of debris after the next hurricane demolishes the front row of houses. After hurricanes Ike and Dolly, the General Land Office spent \$43 million to remove debris from the state's beaches and bays.

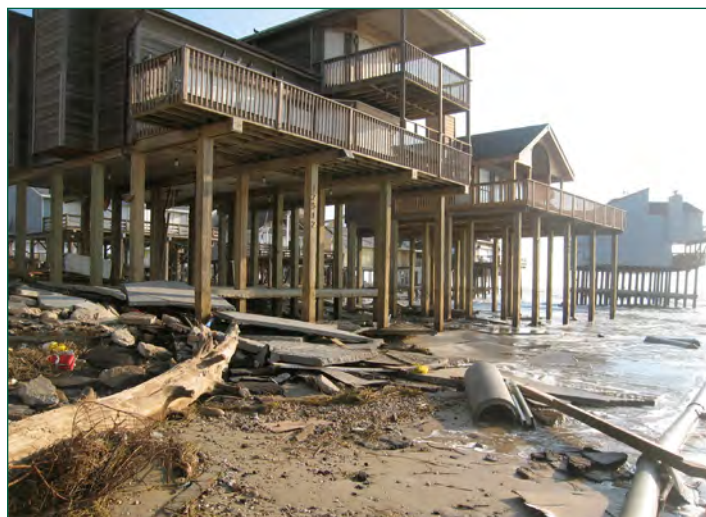
State-owned beaches are eligible for state and federal funding after a storm event, but funding for cleaning privately owned beaches where the public does not have an established easement is available only in limited circumstances.

"This ruling is bad news for Galveston," Patterson said. "It also gives a pretty big club to anyone who wants to challenge the Texas Open Beaches Act anywhere else along the coast."

In 2005, California resident Carole Severance purchased several houses on the beach in Galveston. After Hurricane Rita hit that summer, the General Land Office sent Severance a letter stating her property was on the public beach and subject to removal under the Open Beaches Act. She was later offered up to \$40,000 in public money to move each house off the beach. Instead, Severance sued, claiming the public's right to access the beach violated her constitutional rights.

In 2010, the Supreme Court of Texas issued an opinion in the case that called into question the public beach easement, a key provision of the Texas Open Beaches Act. The court ruled that despite centuries of public use, a public beach easement does not exist on West Galveston Island because the original Republic of Texas land patent from 1840 failed to reserve the public's right to use the beach.

The court stated in its ruling that even for areas where a public



Because of a Supreme Court of Texas ruling, West End beaches like this one at Spanish Grant—shown after Hurricane Ike in September 2008—may be ineligible for state-funded renourishment projects.

beach easement could be proven by the state, that easement does not "roll" landward and would effectively be extinguished after each new storm event or hurricane that moved the line of vegetation.

However, under the Texas Open Beaches Act, the public still has a free and unrestricted right to access the "wet beach." The public may also use the beach from the line of mean low tide to the line of vegetation, regardless of ownership, where the public has acquired an easement.

Land Loan Interest Rate at Record Low 6.75%

VLB Now Offering \$417,000 for Home Purchases and \$100,000 for Land



Since taking office in 2003, VLB Chairman Jerry Patterson has raised the amount Texas veterans can borrow for a home from \$150,000 to \$417,000.

"Texas veterans have more than earned this increased VLB benefit," Patterson said. "Increasing these loan limits gives Texas veterans additional purchasing power to buy the home of their dreams or find a little piece of Texas to call their own."

Texas veterans can now take advantage of the VLB's low-interest rate loans to borrow as much as \$417,000 to buy a home and \$100,000 to buy land.

The Texas Veterans Land Board voted unanimously in late April to increase the home and land loan limits in the latest expansion of benefits under the leadership of Chairman Jerry Patterson.

Since taking office in 2003, Patterson has raised the amount Texas veterans may borrow for a home from \$150,000 up to \$417,000. Buying land through the VLB has gotten easier, too. Under Patterson's direction, the VLB has reduced the minimum acreage that could be bought with a VLB land loan from five acres to one acre, making it easier for veterans to buy lots closer to urban areas. A Texas veteran can simultaneously have a VLB land loan, a VLB home loan and a VLB home improvement loan.

The Texas Veterans Land Board was created in 1946 to help veterans returning from World War II buy land for agricultural purposes. The program has changed over the years as land prices rose sharply and VLB land loan amounts have increased from the original \$7,500.

"No other state can match what the VLB offers: low-cost home, land and home improvement loans; skilled nursing facilities and cemeteries—all exclusively for Texas veterans or their spouses," Patterson said. "And all of our programs are self-funding, which is good news for Texas taxpayers."

For more information on VLB home, land and home improvement loans, Texas State Veterans Homes, or Texas State Veterans Cemeteries, call 800.252.VETS (800.252.8387), or visit the Veterans Land Board website at texasveterans.com.

Less Trash Than Usual Found at Annual Spring Adopt-A-Beach Cleanup

Texas beaches may just be getting cleaner, according to reports from Adopt-A-Beach coordinators across the coast.

The 26th Annual Texas General Land Office Adopt-A-Beach Spring Cleanup drew 7,369 volunteers to the Texas coast in April. But the good weather and the strong turnout yielded less trash than usual, a mere 137 tons. In fact, many volunteer coordinators reported the beaches were pretty clean when they arrived with their volunteer crews.

"What I hope this means is that folks are starting to get the message that trashing Texas beaches isn't cool," Texas Land Commissioner Jerry Patterson said. "The only way to really address this problem is at the source."

Adopt-A-Beach volunteers' past success can be seen in the mix of trash collected at the Spring Cleanup: cigarette butts, soda cans, beer bottles and beach toys. The mix has changed over the years Adopt-A-Beach volunteers have walked the beaches. When the program started in 1986, the bulk of trash on Texas beaches washed



Volunteers clean the beach during the Spring Cleanup at Padre Island National Seashore.

ashore from international ships that simply dumped it overboard. Since then, data collected by Adopt-A-Beach volunteers helped to pass an international shipping treaty that requires all oceangoing vessels to dispose of their trash responsi-

bly while in port.

Among the more interesting items volunteers found during the cleanup were an oil filter with 10 quarts of oil, a bowling ball, a bottle with two Cuban ID cards inside, a hazmat mask, paper and plastic trash from Venezuela, Columbia and Haiti, an aluminum hand-held grenade launcher, muriatic acid, a plastic container from Russia and false teeth. Matagorda Beach yielded a message in a bottle launched from Mexico in January. The note, written in English and Spanish, contained an email address and a request to contact the author when the bottle was found.

The Adopt-A-Beach program is one of the most successful all-volunteer efforts in the nation. In the past 26 years, 430,000 Adopt-A-Beach volunteers have picked up more than 8,300 tons of trash from the Texas Gulf Coast.

HNTB Corporation was the lead sponsor for the 26th Annual Adopt-A-Beach Spring Cleanup. Other sponsors included Halliburton, the Harris and Eliza Kempner Foundation, the Newfield Foundation, the NOAA Marine Debris Program and Keep Texas Beautiful.

To learn more about items collected at the cleanup, and for information on the health of the Texas coast, visit the Adopt-A-Beach program website at texasadoptabeach.org, or contact the Texas General Land Office at 1-877-TXCOAST (1-877-892-6278).



Young Texans do their part to keep Padre Island National Seashore clean.

About Commissioner Jerry Patterson

Jerry Patterson was born in Houston, Texas on November 15, 1946. He graduated from Texas A&M, Class of 1969 and received his commission in the United States Marine Corps. Volunteering for duty in Vietnam in 1972, Patterson was later designated as a Naval Flight Officer and served in Marine fighter squadrons until his retirement from the Marine Corps Reserve as a Lieutenant Colonel in 1993.

Five consecutive generations of Patterson's family have served our nation in time of war.

As state senator for District 11 (Harris, Galveston, Brazoria), Patterson's major legislative successes include passage of the historic concealed handgun law, a constitutional amendment allowing home equity lending, the state coastal management plan and the creation of the Texas State Veterans Home Program. A tireless advocate for his fellow veterans, he chaired

the first Veterans Affairs committee in the Texas Senate.

Since his election as Texas Land Commissioner in 2002, Patterson has modernized and revitalized the Texas General Land Office, the oldest agency in Texas. He has diversified and increased the Permanent School Fund, made Texas a renewable energy leader, protected state lands and overseen the greatest expansion of veterans benefits since World War II.

Jerry resides in Austin and has four children: twins Samantha and Cole, born in 2004, and Emily and Travis. His daughter Emily is an attorney working in Kosovo for an agency funded, in part, by the U.S. State Department. His son Travis is a graduate of Texas A&M, where he was commissioned as a Marine Lieutenant. Travis recently returned from serving his 2nd tour of duty in Iraq as a U.S. Marine attack helicopter pilot.

Pollock Has Been with Oil Spill Since its Inception



Greg Pollock has served with the Oil Spill Prevention and Response Program since day one. Under his watch, the program has become internationally respected for its innovative use of new technology and methods.

1990: the *T/V Mega Borg* and the *Apex Barge Spill*. The abysmal response resulted in the Oil Spill Prevention and Response Act, signed into law by Gov. Ann Richards on March 28, 1991. The Land Office became the lead state agency for coastal oil spill prevention and response and Pollock joined the team.

Today, Pollock is Deputy Commissioner for the Oil Spill Prevention and Response Program. He leads a staff of 55 dedicated employees who investigated and responded to 636 spill notifications in FY 2011. A fast response is all-important when spills occur, so Oil Spill has five field offices along the coast, in Nederland, La Porte, Port Lavaca, Corpus Christi and Brownsville. “Firehouse ready” response equipment is prepositioned near sensitive wildlife habitat, allowing a rapid response even where basic infrastructure is lacking.

“Our response time to any spill notification is two hours anywhere along the Texas coast, day or night,” Pollock said.

Along with responding to oil spills, the law requires all facilities that store or handle oil near coastal waters to be certified by the Land Office. Oil Spill personnel regularly audit, inspect and certify 625 facilities up and down the Texas coast, including tank farms, refineries, marine terminals and pipelines. In FY 2011 alone, Oil Spill personnel conducted 1,672 patrols of coastal waters and waterfronts in agency-owned boats and vehicles.

In addition, the law requires ocean-going vessels operating in state waters to have their own oil spill contingency plans registered with the Land Office. Currently, over 2,800 companies are registered with Oil Spill and have submitted information on over 22,000 vessels that transit state waters.

“I am incredibly proud of the fact that from FY 2010 to FY 2011 we saw a 27 percent reduction in the number of spills into Texas waters—a truly remarkable number,” Pollock said. “We can’t take credit for all of that, but we’re a part of it no doubt.”

However, a decline in spills doesn’t mean program personnel can finally take it easy. “We’ve seen this in the past many times,”

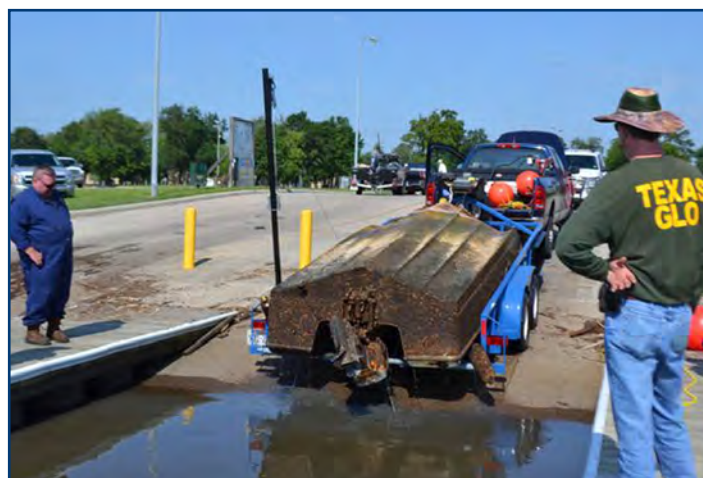
When Commissioner Garry Mauro served on the Governor’s Oil Spill Task Force back in 1989, Greg Pollock was doing policy research at the General Land Office. Mauro tapped Pollock to staff the Task Force, one thing led to another, and Pollock has been the state’s highest ranking spill responder ever since.

The task force was created after the Exxon Valdez spill in March 1989 to look at preparedness and response capability in Texas. Coincidentally, while the task force held hearings and gathered evidence, two major spills struck the Texas coast in the summer of

Pollock said. “Spills decrease and complacency creeps in and another big event happens because vigilance slipped.”

One key aspect of Oil Spill’s mission to prevent spills is the Bilge Water Reclamation Program, designed to minimize unauthorized discharges from the state’s fishing fleet. A series of collection facilities have been built up and down the coast to provide a no-cost option for boat owners to properly empty their bilges, allowing waste oil to be separated out for recycling and the remaining water properly disposed of. Since 1996, over 1.8 million gallons of oil have been recycled through this program.

Since 2005, Oil Spill has also been responsible for the identification and disposal of abandoned and derelict vessels along the coast. At present, over 800 vessels have been entered into the vessel database and over 500 removed. Remarkably, all of this was done without a dedicated funding source from the Legislature. That calls for smart, innovative ways to stretch dollars, as shown by Oil Spill’s Region One field office. Employees there modified a surplus flat bed trailer, fitting it with a winch and dubbing it the “Snatcher.”



The “Snatcher” at work, pulling an abandoned vessel out of the water.

“The trailer makes an ideal platform for removing small fiberglass vessels for disposal at the landfill,” Pollock said. “Instead of paying a contractor, Region One has removed over 20 vessels themselves and saved the state well over \$50,000 dollars in the process. That’s what I call innovation!”

Funding for Oil Spill in general has remained flat over the last 10 years, despite rising costs. “So we are continually monitoring our expenditures so we can deliver required services and meet our performance targets,” Pollock said. “Just like everyone else in government, we must always work smarter to safeguard the public’s money.”

Pollock acknowledges that pressure to cut costs and do more with less could potentially hinder Oil Spill’s ability to deliver services. “But this forces us to work smarter and focus on what is most important,” he said. “We are no different than any American household that over the last few years has had to do the same.”

“We must continually look for ways to enhance our skills so we can maximize our value to the public, the environment and the industry. Continuous improvement must always be on any manager’s radar screen. The day we become complacent with our success is the day that we lose the battle.”

Patterson Calls for Endangered Species Act Reform

Texas Land Commissioner Jerry Patterson testified before the House Natural Resources Committee on June 19, describing abuse of the Endangered Species Act by federal authorities who propose adding species to the endangered list. Patterson said many of these proposals aren't based on sound science but lawsuits filed by federally funded, radical environmental groups. Taxpayers have paid more than \$15 million to these groups since 2008 to settle such Endangered Species Act lawsuits.

"The only thing endangered in this process is fiscal responsibility and American jobs," Patterson said. "Listing a species, without adequate scientific data, just to settle a lawsuit is outrageous. When a species is added to the endangered list, it usually means threatening entire sectors of our economy and putting American jobs at risk."

A recent example of the impact a potential endangered species listing can cause was seen in West Texas, where more than 80 percent of landowners like ranchers and oil and gas producers were forced to sign conservation easements to protect the dunes sagebrush lizard after it had been nominated as endangered by the U.S. Fish and Wildlife Service. On June 13th, the agency declared the lizard would not be added to the endangered species list.

Patterson said the compromise wasn't one to be celebrated, since it was born out of a taxpayer-funded legal tactic and not population data on the lizard. "Oil and gas operators will be paying fees into a fund to mitigate the impact to habitat of the dunes sagebrush lizard, despite there being no proof it is threatened or endangered," Patterson testified.

Patterson told the committee the real problem was one predicted in 1970, by Nebraska Senator Roman Hruska.

"The U.S. Fish and Wildlife Service is faced with a no-win situ-



During testimony before the House Natural Resources Committee, Commissioner Jerry Patterson said taxpayer-funded litigation has changed how species are considered for federal protection.

ation," Patterson said. "They are overwhelmed by environmental groups with hundreds of candidate listings that the agency cannot possibly respond to in the statutory timeline specified. They then find themselves in violation of that statute and subsequently sued by these same groups that filed to protect the species."

Taxpayer-funded litigation has changed how potentially endangered species are considered for federal protection, Patterson said.

The Fish and Wildlife Service's 2012 budget request includes \$24.6 million for the endangered species listing program, including paying a staff of 141, according to the New York Times. That is an 11 percent increase from the previous fiscal year and a 28 percent rise since 2009. The agency estimated that in 2011 it would be able to make final listing decisions on only 4 percent of warranted petitions within one year as required by law, down from 12 percent in 2010.

"These groups create the problem by purposely overwhelming the agency, knowing that they will be unable to respond, and then dictate an outcome because the agency settles," Patterson said. "Taxpayers shouldn't have to foot the bill for this kind of abuse of the system."

In addition to lawyers fees, from 2007 to 2011, the U.S. Fish and Wildlife Service gave \$680,492 in tax money to the Wild Earth Guardians, according to congressional testimony. During that same time, the Wild Earth Guardians sued U.S. Fish and Wildlife 76 times, including the lawsuit that triggered the proposal to list the dunes sagebrush lizard.

"Right now, the Endangered Species Act helps out the lawyers more than the lizards," Patterson said.

Patterson's testimony may be seen here: <http://naturalresources.house.gov/Live/>.



The dunes sagebrush lizard.

Did you know?

Thomas William Ward, the third Land Commissioner (1841-1848) was a fire-eating Irishman who had been through more than one duel, had lost a leg during the attack on San Antonio in the fall of 1835, and later lost an arm while shooting off a cannon to celebrate the anniversary of Texas Independence.

Land Office Names State Alamo Director

Texas Land Commissioner Jerry Patterson recently announced the appointment of San Antonio resident Stephen Oswald as the first-ever State Director of the Alamo.

"This is a big job and requires a unique mix of talents—everything from accountant to diplomat—and we've hired the right man at the right time," Patterson said. "We're pleased to have Stephen on board and looking forward to using his leadership and skills to make great strides at the Alamo. With his help, the Land Office and the Daughters of the Republic of Texas can work to streamline operations, improve the visitor experience and sharpen our focus on preservation at the Alamo. There's plenty to do."

"This job is truly a post of honor," Oswald said. "I will work every day to ensure that the Alamo—and the history and ideas embodied here—remains open and accessible for today's visitors and for future generations."

Oswald brings to the position a wealth of corporate and non-profit experience. He recently served as Chief Financial Officer and Executive Vice President of Finance and Administration for Haven for Hope of Bexar County, a partnership-based non-profit dedicated to helping the homeless. Under Oswald's leadership, Haven for Hope grew from a startup non-profit to a \$10 million organization with over 140 employees and \$20 million in financial partnerships. Oswald oversaw construction of a \$115 million facility on a 22-acre campus dedicated to providing critical services to the homeless and lower income families.

Previously, Oswald spent more than 30 years in the private sector, most of them with the AT&T family of companies. He most recently served as Chief Financial Officer for AT&T in San Antonio.

In his new position as State Director of the Alamo, Oswald will oversee daily operation and management of the Alamo by the Daughters of the Republic of Texas and serve as the Land Office's

representative at the historic mission. The DRT Alamo Executive Administrator, responsible for managing staff operations, will report to the State Director.

Oswald lives in San Antonio and is married with three grown children and one grandchild. Active in the community, he has served on the Board of Directors for Prevent Blindness Texas and the San Antonio Opera.

Located on Alamo Plaza in downtown San Antonio, the Alamo represents nearly 300 years of history. From its start as an early Spanish Mission to the 1836 battle that forever earned its place in the history of Texas and the world, the Alamo is a must see for all who come to San Antonio.

The Alamo is open every day of the year except Christmas Eve and Christmas Day. The hours are 9 a.m. to 5:30 p.m., Monday through Sunday. To better serve visitors, the Alamo will remain open on Fridays and Saturdays until 7 p.m. during the months of June, July and August. As always, admission to the Alamo is free.

The Alamo is owned by the state of Texas and under the jurisdiction of the Texas General Land Office. At the direction of the Legislature, the Alamo is operated by the Daughters of the Republic of Texas under contract to the Land Office.



Stephen Oswald brings a wealth of corporate and non-profit experience to his new post.

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Agency Newsletters

Veterans Voice

http://www.glo.texas.gov/vlb/_publications/veterans-voice-summer-2012.pdf

On the Coast

http://www.glo.texas.gov/what-we-do/caring-for-the-coast/_publications/on-the-coast-spring-2011.pdf

The Responder

http://www.glo.texas.gov/what-we-do/caring-for-the-coast/_publications/responder-june-2012.pdf

Saving Texas History

http://www.glo.texas.gov/what-we-do/history-and-archives/_publications/STH-newsletter-summer-2012.pdf

Cabin Connection

http://www.glo.texas.gov/what-we-do/caring-for-the-coast/_publications/cabin-connection-08-12.pdf

Adopt-A-Beach

http://www.glo.texas.gov/what-we-do/caring-for-the-coast/_publications/aab-newsletter-spring2012.pdf

Voices of Veterans

http://www.glo.texas.gov/vlb/_publications/vov-newsletter-summer-2012.pdf

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